

Election Procedures Review  
Of  
**Spokane County**  
State of Washington  
2005 Primary Election



Conducted by the  
Office of the Secretary of State  
Election Certification and Training Program



# Introduction

The Washington State Legislature enacted legislation in 1992 mandating that the Office of the Secretary of State review county election procedures and practices. The Election Certification and Training Program was established within the Elections Division of the Office of the Secretary of State to conduct reviews and to provide for the certification of election administrators. In 2005, the Legislature expanded the Election Certification and Training Program to require that each County Auditor's Office be reviewed at least once every three years.

The election review process is governed by RCW 29A.04.510 through 29A.04.590 and Chapter 434-260 of the Washington Administrative Code. Reviews are conducted at regular intervals in conjunction with a county primary, special or general election, at the direction of the Secretary of State.

Pursuant to RCW 29A.04.570(1)(b), the Election Certification and Training Program conducted an election review in Spokane County during the September Primary Election cycle. Amber Cervantes, Elections Program Coordinator, represented the Election Certification and Training Program during the review. Vicky Dalton, Spokane County Auditor, Paul Brandt, Mike McLaughlin, and other members of the staff participated on behalf of the Spokane County Auditor's Office.

Spokane County allowed the reviewer to thoroughly review and examine all aspects of the election processes. The county provided documentation and materials during the review which greatly contributed to a successful examination process.

Both the reviewer and the Spokane County Auditor's Office approached the review in a spirit of cooperation. The State commends the Spokane County Auditor's Office for its organization and preparation in making the review process a positive and useful experience.

Contents of this report are based on observations of election practices and procedures and on interviews with county election personnel. The reviewer obtained information based on the actual observation of a particular procedure, based on verbal explanation or written procedures. In all cases, the predominant concern is whether or not the county's actions constitute compliance with the intent of statutes and rules.

The purpose of this review report is to provide Spokane County Auditor's Office with a useful evaluation of its election procedures and policies and to encourage procedural consistency in the administration of elections throughout the state. This review report includes a series of recommendations and/or suggestions that are intended to assist Spokane County in improving and enhancing its election processes.

The reviewer is statutorily prohibited from making any evaluation, finding, or recommendation regarding the validity of any primary or election or of any canvass of the election returns. Consequently, this review report should not be interpreted as affecting, in any way, the validity of the outcome of any election or of any canvass of election returns.

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# Section 1

## Overview and Recommendations

During the course of this review, several county processes were observed, including pre-election procedures, Election Day procedures, post-election procedures, canvassing, reconciling, and certification procedures. Comments regarding some of these observations are noted here and recommendations follow these observations.

Overall, the Spokane County Auditor's Office maintains high-quality, detailed election procedures. Staff is organized, knowledgeable, and conscientious. Spokane County is fortunate to have such dedicated staff committed to maintaining the integrity of the election process. The organization and continuity that the elections staff maintains throughout the elections process is supported by the excellent communication between staff members and managers.

The Auditor's Office implements several procedures that could be considered best practice procedures. The record keeping and logging for their mail ballot inventory beginning upon receipt is quite extensive. The ballots are stored, separated by precinct, in a secured room. A log for each precinct is maintained which documents each time a ballot is removed from the room. At any given time, staff can determine the number of ballots on hand in each precinct and can verify that none are missing.

Spokane County puts a tremendous amount of energy into preparing for candidate filing week. In order to make sure that each piece of the process is in perfect working order, staff participates in a trial run prior to taking any filings. The election personnel are very organized and customer service oriented. Besides maintaining the official copy of candidate filings, the Auditor's Office also maintains a binder containing copies of each Declaration of Candidacy on the front counter for interested persons to view. The Auditor's Office also places the candidate filing information on the elections website for the public.

Some of the recommendations in this report require relatively minor changes in the county's procedures. However, because elections are so complicated, even minor changes can have a major impact on the election process.

The following recommendations and suggestions will improve and enhance the county's election procedures and policies.

## Review Recommendations

### Format of confirmation and verification notices.

Spokane County uses a postcard confirmation notice which includes all of the required elements except for informing the voter of the consequences of not responding to the confirmation notice.

RCW 29A.08.635 requires in part, *“The notice must inform the voter that if the voter does not respond to the notice and does not vote in either of the next two federal elections, his or her voter registration will be cancelled.”*

**Recommendation 1:** Spokane County must inform voters that the voter registration will be cancelled if a response is not received before the passing of two federal elections.

### Maintenance of voter registration documentation.

When a voter identification card is returned to the office as undeliverable and there is either no forwarding address provided by the post office or the address provided is outside of Spokane County, the Auditor’s Office changes the voter’s status from active to inactive and shreds the undeliverable voter identification card.

Series number 65 of the County Auditor’s General Records Retention Schedule requires that, *“All records generated in the course of producing acknowledgment notices, confirmation mailings, mail verification or any other confirmation of voter status, and notices returned to election offices by registrants responding to verification or confirmation mailings”* should be retained for 24 months.

**Recommendation 2:** All voter identification cards that are returned as undeliverable should be retained for a 24 month period as the retention guidelines indicate.

### Cancellation of voter registration.

Spokane County verbally indicated that two of the triggers for canceling a voter’s registration based on death were 1) when a voter called the office and told them that a spouse, family member, neighbor, or close friend had died, or 2) if an absentee or vote-by-mail ballot envelope was returned to the office and somebody had written the words “deceased” on it.

However, Spokane County’s written procedures do not list either of these scenarios as causes for canceling a voter’s registration.

Written procedures indicate that envelopes that have such notations on them should be set aside for later processing, but there are no instructions as to what that later processing consists of. Written procedures also indicate that “close friends, family members, or those who are administering the estate” can sign a Request for Cancellation of Registration Because of Death.

RCW 29A.08.510 directs, *“...deceased voters will be canceled from voter registration lists as follows:...(3) In addition, any registered voter may sign a statement subject to the penalties of perjury, to the effect that to his or her personal knowledge or belief another registered voter is deceased...”*

**Recommendation 3:** Spokane County should follow the written procedures and statutes and not cancel a voter without a signed request.

### Notice of closing voter registration files.

The sample Notice of Close of Registration provided by Spokane County contained all of the required information. However, the version that was printed in the newspaper is missing the portion of the sentence that tells voters the dates that they can register in person.

RCW 29A.08.140 requires in part, *“The county auditor shall give notice of the closing of the precinct files for original registration and voting procedure provided by RCW 29A.08.145 by one publication...”*

RCW 29A.08.145 allows a person to register in person, at the Auditor’s Office, *“beginning after the closing of registration for voting at the polls under RCW 29A.08.140 and ending on the fifteenth day before a primary, special election, or general election.”*

**Recommendation 4:** Spokane County should ensure that the publication contains all of the information required by law and that it matches the information submitted for print. When the notice doesn’t contain the proper information, the Auditor’s Office should consider reprinting the notice so that the public receives proper notification as required by law.

### Notice of election.

The Notice of Election that was printed in Spokane County included all but one of the required pieces of information. There were no instructions for voting a Spokane County ballot included in the notice.

RCW 29A.52.311 requires in part, *“The notice must contain the proper party designations, the names and addresses of all persons who have filed a declaration of candidacy to be voted upon at that primary, instructions for voting the applicable ballot, as provided in chapter 29A.36 RCW,...”*

**Recommendation 5:** Spokane County should include instructions for voting in future election notices as required by law.

### Notice of inaccessible polling locations.

Although the Auditor’s Office reported that it had no inaccessible poll sites, two poll sites visited on Election Day did not appear to be fully accessible. One of the locations had a gravel parking lot, which can be difficult for a person in a wheelchair or using a cane to navigate. Although one had an area that possibly could have been used as an unloading zone, it was not marked as such. Both poll sites had doors that swung outwards without automatic openers and one of the sites left very little room at the top of the landing to position a wheelchair while the door swung outwards. Staff indicated that the poll sites are reviewed for accessibility before being selected as a poll site.

WAC 434-257-030 requires, *“The Americans with Disabilities Act Checklist for Polling Places shall be used when determining the accessibility of a polling place...A poll site is fully accessible if all responses in each category are “YES.”*

The ADA Checklist for Polling Places states, “In order to be usable, the access aisle must be relatively level, clear of gravel or mud, and the surface must be in good condition without wide cracks or broken pavement.”

RCW 29A.16.150 requires, in part, “*Each polling place must be accessible unless: (1) The county auditor has determined that it is inaccessible, that no alternative accessible polling place is available, that no temporary modification of that polling place or any alternative polling place is possible, and .....*”

WAC 434-257-100 states that “*No later than 30 days before an election, the county auditor shall mail a notice to each registered voter assigned to an inaccessible polling place which has been authorized for use under these rules and shall contain the following information: (a) The polling place for that precinct is inaccessible, for the election or elections indicated in the notice, according to the accessibility standards established for voters. The extent and nature of inaccessibility shall be specified. (b) No later than twenty days before the election or elections indicated in the notice, voters may request to be assigned to an alternate polling place as listed in the notice, or may request to vote by absentee ballots.*”

**Recommendation 6:** Spokane County should develop a schedule to periodically review all of the poll sites. This will help to ensure that a facility hasn’t made changes to a site which could bring it out of compliance, and that all of the facilities meet current accessibility standards.

If Spokane County determines that any site is inaccessible, it has two options. The Auditor’s Office can find a new polling location to replace the inaccessible one, or it can notify the voters who are assigned to that poll site and inform the voters that they have the option of voting an absentee ballot.

### Special absentee ballots available.

Spokane County provides an application for a voter to receive a special absentee ballot as required by law. The oath that a voter must sign to receive a special absentee ballot reads, “*I believe that **I will be residing or stationed outside the continental United States and** that I will be unable to vote a regular ballot by mail during the period provided by law for the return of regular absentee ballots.*” (Emphasis added.)

RCW 29A.40.050 requires a voter requesting a special absentee ballot to sign “*an application stating that she or he will be unable to vote and return a regular absentee ballot by normal mail delivery within the period provided for regular absentee ballots.*”

**Recommendation 7:** Spokane County should change the oath to reflect what is required in the law. Adding to the oath a requirement that the person reside or be stationed outside the U.S. could exclude some voters who are within the U.S. and eligible to use a special absentee ballot.

### Issuing replacement absentee ballots.

Spokane County verbally explained that when a person comes into the office requesting a replacement absentee ballot and the person is not a family member of the voter, election staff will try to reach the voter by phone or ask that the person get a note from the voter before issuing the ballot to the non-family member.

RCW 29A.40.030 makes an allowance for **a family member** to request *“a ballot on behalf of and for use by the voter.”*

RCW 29A.40.080 (1) states, *“Only the registered voter personally, or a member of the registered voter’s immediate family may pick up an absentee ballot for the voter at the office of the issuing officer unless the voter is a resident of a health care facility ... (2) Except as noted in subsection (1) of this section, the issuing officer shall mail or deliver the absentee ballot directly to each applicant.”*

**Recommendation 8:** Spokane County must not issue ballots or replacement ballots to persons who are not family members of the voter. If election staff would like to continue to make contact with the voter by phone to confirm the request for a replacement ballot when somebody other than the voter or a family member is requesting the ballot, they should then mail or fax the ballot to the voter rather than issue it to the non-family member. The same process should be used when somebody other than a family member of the voter brings in a written request from the voter for a replacement ballot. The replacement ballot should be mailed or faxed to the voter rather than issued to the non-family member making the request for the voter.

Procedures for closing the polling place.

The poll workers placed the bag for the provisional ballots along with the bag for the absentee ballots and various other supplies into the red bag and sealed it. However, they did not record the seal number.

The voted ballots were placed in a separate container which was sealed and the seal number recorded on the Ballot Certificate which accompanied the ballots back to the election center.

The number of voted ballots, as shown on the voting system print-out, was recorded on the Certification page of the poll book. At no point were the ballots physically counted. There is no indication in the Boardworkers’ Manual that they are to count the ballots by hand.

Spokane County verbally indicated that the Auditor’s Office had interpreted WAC 434-253-203 to mean that the precinct based ballots counters were excluded from physically counting the ballots and could use the number reported by the equipment in its place. The intention of WAC 434-253-203 was that the number on the machine be recorded and compared, but that the ballots would still be physically counted. The number reported on the machine would be an additional check.

RCW 29A.44.280 requires, *“Immediately after the unused ballots are secure, the precinct election officers shall count the number of voted ballots and make a record of any discrepancy between this number and the number of voters who signed the poll book ...”*

**Recommendation 9:** The poll workers in Spokane County need to count the ballots by hand and record that number on a ballot accountability form as required by law. This procedure needs to be added to the Boardworkers’ Manual.

**County’s Response to Recommendation 9:** We find this recommendation inconsistent with previous conversations with the Secretary of State’s Office. This is an issue Spokane County had taken verbally to the Secretary of State’s Office in the past, shortly after converting to poll site tabulation by machine in 2001. At that time, personnel at the Secretary of State’s Office



agreed with Spokane County that the manual count was intended for counties that did not have machine tabulation at the poll site, in order to help account for all ballots. The M-100 tabulation devices performed this function for a county utilizing them at the poll site.

If the Secretary of State's Office's position is now that hand counts are required at the poll site it would be helpful to have WACs written to establish the manual count as the official count of ballots at the poll site.

**Addendum to Recommendation 9:** The applicable WAC's will be amended to clarify that the ballots must be physically counted at all poll sites, including those with precinct based counters.

### Procedures for handling of provisional ballots at the poll site.

At the poll site, when the provisional ballot inspector receives a voted provisional ballot from a voter, it is placed inside a plastic bag or manila envelope specifically provided to store the provisional ballots. At the end of the day, the plastic bag or manila envelope is placed in a sealed container for transportation back to the elections department.

RCW 29A.44.207 requires, "The election official shall ensure that the required information is completed on the outer envelope, have the voter sign it in the appropriate space, *and place the envelope in a secure container.*"

**Recommendation 10:** Spokane County should provide the poll workers a secure container to store provisional ballots that are voted at the poll site. A ballot box with a numbered seal for both provisional ballots and absentee ballots would serve this purpose well.

### Procedures for handling provisional ballots at the poll site.

At one of the poll sites visited on Election Day, a husband and wife entered the poll site. All of the workers in the poll site were acquaintances of the wife. The husband had identification, but the wife did not. The inspector apologized for the new law and informed the wife that she would not be able to participate in this year's election. They then had a conversation about how sad it was that this would be the first election in many years in which she would not vote.

None of the other poll workers suggested that the voter be allowed to vote a provisional ballot. Since the inspector is the appointed person to handle provisional ballots, the other poll workers were convinced that the inspector knew the rules about provisional ballots and did not question her decision.

After giving ample time to see if the inspector would rethink the situation, the reviewer approached the inspector and discreetly suggested that the inspector give the voter a provisional ballot and check her Boardworkers' Manual. After reviewing the manual she agreed and issued the voter a provisional ballot.

RCW 29A.44.205 directs, "...*Any individual who desires to vote in person but cannot provide identification as required by this section shall be issued a provisional ballot...*"

**Recommendation 11:** The Spokane County Auditor's Office conducts poll worker training that includes an emphasis on provisional ballots, one in which the Office of the Secretary of State supports. Through the current system of in-person training and training materials, Spokane

County should continue to emphasize the use of provisional ballots in situations where a voter cannot cast a regular ballot. All of Spokane County's poll worker training materials were correct in directing the poll workers to issue a provisional ballot when a voter does not have identification.

### Election board supplies.

At one of the poll sites visited, a Help America Vote Act voter information poster was not displayed as required by HAVA.

The HAVA poster is not listed as one of the supplies provided to the poll workers on the checklist of poll site supplies. During the closing of the polls, the poll workers did discover a HAVA poster when they opened a side compartment of the ballot box.

The board worker training manual had directed the workers to inspect the compartment of the ballot box prior to opening the polls. Had the workers completed this task, they would have found the poster prior to the opening of the polls.

WAC 434-253-020 requires the HAVA poster be supplied to each polling place at every election.

WAC 434-253-025 requires that, "The following items must be posted or displayed at each polling place while it is open: ...(2) *HAVA voter information poster*; ..."

**Recommendation 12:** Spokane County should add the HAVA voter information poster to the list of poll site supplies and continue to include a poster in each polling place's supplies. Spokane County should include prominent information specific to posting the HAVA poster in the Boardworkers' Manual and also stress the importance of it in the poll worker trainings.

### Ballot tabulation

Spokane County began running absentee ballots through the counters at approximately 11:00 a.m. on Election Day, as authorized by law. After running the ballots through the machines, the results were stored on a memory disk, and plugged in to the tabulation system to await the addition of the precinct results after 8:00 p.m. Spokane County indicated that one reason for this is to allow them to view the absentee ballot results prior to adding the precinct results to look for anomalies.

RCW 29A.40.110 directs, in part, "*The tabulation of absentee ballots must not commence until after 8:00 p.m. on the day of the primary or election.*"

WAC 434-250-020 (5) has provided that, "***Tabulation***" means the production of returns of votes cast for candidates or ballot measures in a form that can be read by a person, whether as precinct totals, partial cumulative totals, or final cumulative totals."

**Recommendation 13:** Spokane County must wait until 8:00 p.m. on Election Day to tabulate results for absentee or vote-by-mail ballots. Although the importance of checking for anomalies is recognized, the law is very specific in this regard.

**Ballot Tabulation.**

After the absentee ballots go through the counters on Election Day, the ballots are placed in cardboard boxes and a sticker seal is placed where the two flaps of the box meet. The seal records the date, the election, and the district/precinct information. However, it does not have an individual seal number.

On Election Day, one of the boxes was not completely filled and other boxes were stacked on top of it. In the process, the sticker seal was pulled apart from one of the flaps.

WAC 434-250-130 (6) indicates an audit trail must be maintained which includes, “*A documentation of the security procedures undertaken to protect the integrity of all ballots after receipt, including seal numbers used to secure the ballots during all facets of the absentee process...*”

The Office of the Secretary of State considers secure storage a system that is only accessible to the County Auditor or his or her designees, and that employs the use of numbered seals and seal logs to document access to ballots.

**Recommendation 14:** Spokane County should entirely cover the sticker seal with packing tape or use a sticker seal with a stronger adhesive. The adhesive on the current sticker seal is not strong enough to rip the cardboard or provide any indication of tampering if that were to occur. Spokane County should also give each sticker seal a unique seal number and record each seal number on a log sheet. This would provide another means of detecting unauthorized entry.

**Provisional Ballots.**

During investigating and crediting provisional ballots, Spokane County gave credit to and counted the provisional ballot for a voter who had already voted and returned an absentee ballot. This was thoroughly explained to the canvassing board at certification.

WAC 434-253-047 states, in part, “...*Once the provisional ballot has been investigated, disposition of the ballot is as follows: ... (6) If an absentee voter who voted a provisional ballot at the polls has already returned a voted absentee ballot, the provisional ballot is not counted...*”

**Recommendation 15:** Spokane County should ensure that a voter has not already returned an absentee ballot before crediting and counting a provisional ballot in order to prevent double voting.

## **Section 2**

### **Suggestions**

The following are suggestions for increasing efficiency and improving operations with the County Auditor's Office. Although these suggestions do not address issues involving compliance with state laws or administrative rules, the reviewer identified the tasks discussed in the section as areas of election administration in which the County Auditor might improve the efficiency and operation of the office.

#### **Suggestion 1: Processing Name Changes.**

The Policy and Procedures Manual that the Spokane County Auditor's Office provided states that when processing a name change for a voter who is already registered, it is not necessary for the oath to be signed. In the section titled, Initial Processing of Mail-In and In-Office Registration Forms (6), in the manual, it indicates that a voter must sign the oath on the registration form, except for transfers or name changes, as long as he or she signed somewhere else on the form.

State law does not provide any allowance for voters requesting name changes or address changes on a voter registration form to not sign the oath.

Spokane County verbally indicated that the Auditor's Office does require a voter to sign the oath before processing a name change application and in this case, the information in the manual is an inaccurate description of their actual procedures.

RCW 29A.08.440 instructs, *"To maintain a valid voter registration, a person who changes his or her name shall notify the county auditor regarding the name change in one of the following ways: ...(4) by properly executing a name change on a mail-in registration application or a prescribed state agency application..."*

Spokane County should change the Policy and Procedures Manual to reflect the actual procedure of requiring voter registration applications that come into the office for name changes to have the oath signed. Although a new oath is not required to be signed when using a different method to change a voter's name, it is required to properly execute a name change using a mail-in registration application. If the voter does not sign the oath on the mail-in registration application, the Auditor's Office will not have a copy of the voter's signature using the new name.

#### **Suggestion 2: Address Confidentiality Program.**

Spokane County meets the requirements of the law by ensuring that at least two personnel are trained to process protected voter registration records. The Auditor's Office also has detailed procedures for handling these registrants. When preparing the voter's absentee ballot for mailing, a very small red C is stamped on the return envelope. Upon visually inspecting the envelope, the stamp is very noticeable. This identifies which envelopes must go to the designated person for processing upon their return.

Spokane County should not identify the ballot envelopes in any way as to identify the voters as address confidentiality participants. If all of the ballot processors know that the red C stands for address confidentiality participants, the voter's participation in the program is no longer confidential. In addition, the ballot envelopes are public record and it would be possible that somebody viewing the envelopes could figure out what the red letter C stands for and come up with a list of ACP participants who voted in Spokane County.

Spokane County should develop another method to ensure that the voters' participation in the address confidentiality program remains confidential.

### Suggestion 3: Placement of local ballot issues.

It appears that Spokane County uses one method for listing measures and races on sample ballots and another method for listing measures and races on official ballots.

Spokane County has pre-established policies and procedures that instruct that local ballot measure shall be listed on sample ballots as follows: cities and towns in alphabetical order, school districts in numerical order, fire districts in numerical order, etc. After all of the ballot measures the candidates are grouped in the same order. For the official ballots, the layout is different: the ballot measure is listed and then any candidates for that same jurisdiction, then the ballot measure for the next jurisdiction and the candidates, etc.

WAC 434-230-030 directs that, "*Such order of local governmental units shall be consistent on official, absentee, and sample ballots.*"

Although it could be argued that each separate ballot group is consistent from one election to the next, the purpose of the WAC is to allow the voter to see the measures and races in the same order on the sample ballot as they will appear on the official ballot.

### Suggestion 4: Duplication Oath.

The oath on Spokane County's Absentee Duplication/Write-In Board Oath states, in part, "*all ballots needing duplication will be accurately and carefully duplicated so that the original intention of the voter will in no way be altered, **except in the case of an overvote when that portion of the ballot will be eliminated**, and that ...*" (Emphasis added.)

Although this is the oath that duplicators sign, this is not the procedure they follow, nor is it the procedure that they should follow. The ballots being duplicated did duplicate overvotes as they should.

If overvotes were eliminated in the duplication process and were reflected as undervotes in the reporting, it would have an effect on whether write-ins may need to be tallied for a particular office. The determination to tally write-ins for candidates whose names do not appear on the ballot is based on the number of write-ins and undervotes as directed by RCW 29A.60.021(4).

Spokane County should change the duplicating oath to reflect actual procedure.

## Section 3

### County's Response to Draft Review Report

The Election Certification and Training Program issued a draft review report to the Spokane County Canvassing Board on December 30, 2005. In accordance with WAC 434-260-145, Spokane County was provided a 10-day period in which to respond, in writing, to recommendations listed in the draft report.

The Spokane County Auditor provided the following response to the draft review report. The original is on file with the Office of the Secretary of State.

# SPOKANE COUNTY

VICKY M. DALTON, CPA

SPOKANE COUNTY AUDITOR

1116 W. Broadway Ave.

Spokane, WA 99260-0020



15 February 2006

Amber Cervantes

Office of the Secretary of State, Elections Division

PO Box 40229

Olympia, WA 98504-0229

RE: Response to Election Procedures Review Report

Dear Amber:

Attached is our written response to the recommendations and suggestions in the election procedures review conducted by the Secretary of State's Office during the 2005 Primary Election. Our response will be included in the final report, which is a public record.

I appreciate your work during the review. An examination by an outside person often identifies procedures that have grown stale and need improvement. Most of the items and recommendations were minor in impact but were clearly not in conformity with the current laws and regulations. As you'll note, these particular recommendations have already been implemented.

On the other hand, some of the items identified or recommendations made in the report are more properly policy issues requiring either interpretation of rules or use of professional judgment. In those cases, I disagree with the position taken by the Secretary of State's Office. My position and reasoning are stated in the written response for each of those items.

Despite any disagreements, my staff and I found the review process to be helpful and worthwhile. We look forward to future visits and reviews by the staff of the Secretary of State's Office.

Sincerely,

Vicky M Dalton, CPA  
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## **Auditor's Response to Secretary of State's Review of the Spokane County Elections Office**

**Recommendation 1:** Format of Confirmation and Verification Notices.

**Response:** We agree with the recommendation. Language to this effect had already been incorporated into Spokane County's new confirmation notices. The notices arrived from the printer after the review.

**Recommendation 2:** Maintenance of voter registration documentation.

**Response:** We agree with this recommendation. The procedure has already been implemented and is being included in the updated policies and procedures manual.

**Recommendation 3:** Cancellation of voter registration.

**Response:** We agree with this recommendation. The procedure has already been implemented and is being included in the updated policies and procedures manual.

**Recommendation 4:** Notice of closing voter registration files.

**Response:** We agree with the recommendation. We have established a system with the local newspaper in which they will not have to retype the notices Spokane County submits. We added another layer of proofreading (reading the published notice) to ensure its accuracy so that we will be able to resubmit the notice in the event of an error.

**Recommendation 5:** Notice of Election.

**Response:** We agree with the recommendation. The recommended instruction will be included in future notices of election.

**Recommendation 6:** Notice of inaccessible polling locations.

**Response:** Spokane County agrees that poll site accessibility is important and has been working throughout 2005 with advocacy groups to help us deal with these issues. Spokane County will become a vote-by-mail county in 2006 and we will be better able to ensure accessibility at our voter service centers. The voter service centers will be inspected for accessibility compliance prior to their establishment and will be re-inspected annually.

**Recommendation 7:** Special absentee ballots available.

**Response:** We agree with the recommendation. Although this form is rarely used, we are revising it to conform to the Secretary of State's recommendation.

**Recommendation 8:** Issuing replacement absentee ballots.



**Response:** We agree with the recommendation. The procedure has already been modified.

**Recommendation 9:** Procedures for closing the polling place.

**Response: 9:** We find this recommendation inconsistent with previous conversations with the Secretary of State's Office. This is an issue Spokane County had taken verbally to the Secretary of State's Office in the past, shortly after converting to poll site tabulation by machine in 2001. At that time, personnel at the Secretary of State's Office agreed with Spokane County that the manual count was intended for counties that did not have machine tabulation at the poll site, in order to help account for all ballots. The M-100 tabulation devices performed this function for a county utilizing them at the poll site.

If the Secretary of State's Office's position is now that hand counts are required at the poll site it would be helpful to have WACs written to establish the manual count as the official count of ballots at the poll site.

**Recommendation 10:** Procedures for handling provisional ballots at the poll site

**Response:** This is an issue Spokane County was concerned about prior to the review. The county experimented with the use of locked bags in the General Election. With the establishment of voter service centers under vote-by-mail, at which voters can drop off absentee ballots or vote provisional ballots, locked ballot boxes will be used as receptacles.

**Recommendation 11:** Procedures for handling provisional ballots at the poll site.

**Response:** We agree with the Secretary of State that board worker training is crucial but we believe that this recommendation fails to recognize the complexity of overseeing the actions of poll workers on Election Day.

For the past several years, Spokane County has been exemplary in training its poll workers about requirements and procedures at poll sites, especially with regard to provisional ballots. Besides in-person training, detailed manuals are provided to poll workers, a hotline is available on Election Day and office personnel travel routes through the poll sites on Election Day. We have also disciplined poll workers, up to and including discharge, for failure to comply with the responsibilities and tasks assigned to them.

Few other counties in this state have been able to match our level of training and Election Day support of our poll workers. The Secretary of State's Office did not attend any of our training sessions and is therefore unaware of the content or emphasis. Even with the best training and resources, the poll workers do make mistakes. This is an inherent risk with poll sites that can only be reduced, not eliminated.

**Recommendation 12:** Election board supplies.

**Response:** We agree with a portion of this recommendation. The HAVA poster was not on the list of general poll site supplies; it is now a separate line on that list.

However, we disagree that the HAVA poster was not listed on a checklist. These posters were included in the supplies for every poll site. Due to their size, they are stored inside the ballot box and is an item on ballot box check list that poll workers are required to verify. With regard to poll worker training, display of the HAVA poster is included in our training sessions. The

Secretary of State's Office did not attend any of our training sessions and is therefore unaware of the content or emphasis.

**Recommendation 13:** Ballot tabulation.

**Response:** We agree with this recommendation. The procedure has already been implemented.

**Recommendation 14:** Ballot tabulation.

**Response:** We agree with this recommendation. The procedure has already been implemented.

**Recommendation 15:** Provisional Ballots.

**Response:** We agree with this recommendation. We have added a step in the reconciliation process to make sure that this does not happen. The number of provisional ballots that are accepted are counted and compared with the number that have been credited. This number must agree before the provisional ballots are opened for counting.

## **SUGGESTIONS**

### Suggestion No. 1: Processing Name Changes.

We disagree with the Secretary of State's Office interpretation of 29A.08.440. The statute provides for four methods for a voter to change their name. Clearly, numbers one through three do not require the signing of the oath. Number four allows a name change by "executing a name change on a mail-in registration form". Interpreting this in light of one, two and three as long as the voter provides the name under which they are registered, their new name, their residence and signatures using both the voter's old name and new name, we believe the name change may be accepted.

Suggestion 2: Address Confidentiality Program. We agree that our current procedure is inadequate to protect the identity of the ACP participant.

We contacted several counties to identify the "best practice" for ensuring the protection of the ACP participant's identity in the return mail and during the signature verification process. Two best practices were identified. For counties using return envelopes with flaps that cover the voter's name, the "return to" address is covered with a label that directs the envelope to a specific staff member. No one else in the office handles that envelope.

For counties with return envelopes that do not cover the voter's name, a separate, larger return envelope is provided in which the participant mails back the entire voted-ballot packet. This envelope is pre-addressed to a specific staff member, who is the only person in the office that handles that envelope. We will immediately implement this procedure.

Suggestion 3: Placement of local ballot issues. We will take this suggestion under advisement. However, we believe that our placement of issues and races on the sample ballot provides the voter with the clearest picture of what will be on their own ballot. The inherent problem is that the sample ballot contains all races and issues in the county while the actual ballot contains only the issues and races of the voter's precinct and split. Our concern is that a voter be able to visually piece together their individual ballot as easily and clearly as possible from the sample ballot.

Suggestion 4: Duplication Oath. We agree with the suggestion and have already made the suggested change.

## **Section 4**

### **Conclusion**

Overall, the Spokane County Auditor's Office has good election procedures and is commended for their diligence in administering elections.

The Auditors Office conducts detailed trainings for poll workers to ensure there are knowledgeable workers at the polls on Election Day. Conducting several smaller trainings rather than one or two large ones allows more time to address individual workers' questions. Workers are separated into training groups based on the role they will take on Election Day: inspectors, ballot issuers, tabulator judges, etc. Although all aspects of the Election Day poll site processes are covered, this allows trainers to provide more detailed information about the workers' specific duties.

The Auditor's Office also provides support to poll workers on Election Day by providing a help desk call center which poll workers can call with any questions that may arise throughout the day.

Spokane County was in the process of updating its Policies and Procedures Manual at the beginning of this review cycle. It is a very time-consuming task to not only write a step-by-step procedures manual, but to also keep it updated each time a law changes or the county changes one of its processes. I commend Spokane County for recognizing the importance of this task and approaching it with enthusiasm.

The county should continue to add to the existing procedures manual to ensure that all facets of the election process, before, during, and after are covered. Most recently, there have been constant changes in election law and as these changes occur, it's important that the office procedures are updated in order to document compliance with the law.

Several of the recommendations in this report reflect only minor procedural changes that, while still important, are unlikely to affect the integrity of an election. The election process is extremely complicated and the laws require an acute attention to detail with regard to all aspects.

The suggestions in this report, while not indicating any lack of compliance with either state law or administrative rule on the county's part, are also important. The County Auditor and the County Canvassing Board should give careful consideration to these suggestions.

The county did an admirable job administering the election after the monumental number of changes to election law this year.

This reviewer has made a series of recommendation and suggestions for consideration by the Spokane County Auditor and the County Canvassing Board. These are meant to enhance and improve Spokane County's procedures. The Office of the Secretary of State Election Certification and Training Program is available for any additional assistance the Auditor may request.

Review Report Prepared by:

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Office of the Secretary of State



February 22, 2006

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Date

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Signature